

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN**

**WISCONSIN EDUCATION ASSOCIATION
COUNCIL, *et al.*,**

Case No.3:11-cv-00428-wmc

Plaintiffs,

v.

**SCOTT WALKER, Governor of the State of
Wisconsin, *et al.*,**

Defendants.

**PLAINTIFFS' MOTION FOR EXTENSION OF TIME
TO FILE DISPOSITIVE MOTIONS**

Plaintiffs hereby move for an extension of time of 20 days from September 23, 2011 to October 13, 2011 in which to file their motion for summary judgment, based upon the following:

1. By order dated August 4, 2011, this Court established a briefing schedule for the filing of motions for summary judgment requiring the motion and supporting materials to be filed on September 23, 2011, responses to be filed by October 21, and replies to be filed by November 4.
2. Plaintiffs served discovery requests and notices of deposition upon Defendants inquiring into representations made in the Affidavit of Cynthia A. Archer, submitted by Defendants in support of their opposition to Plaintiffs' motion for a preliminary injunction. Defendants have stated their intention to file a motion for protective order, pursuant to FED. R. CIV. P. 26(c), seeking to forbid inquiry into these matters on the ground that they are

irrelevant as a matter of law.

3. Plaintiffs have offered to withdraw their discovery request provided that Defendants withdraw the Archer Affidavit for all purposes, including their defense to Plaintiffs' Motion for a Preliminary Injunction, and abandon any argument that relies upon the Archer Affidavit. Defendants have declined Plaintiffs' offer.
4. As a practical matter, this Court will not have sufficient time to decide the motion for a protective order prior to the September 23 date for filing motions for summary judgment.
5. Plaintiffs maintain that the pending discovery is essential to creating a record for the purpose of filing their motion for summary judgment, regardless of whether Defendants intend to rely on the Archer Affidavit in its dispositive motion.
6. The Court has yet to rule on Plaintiffs' motion for temporary restraining order and preliminary injunctive relief. Plaintiffs are unable to prepare their motion for summary judgment without knowing the outcome of their motion. Regardless of how the motion is decided, the Court's rationale will provide essential guidance to the parties in presenting their arguments on the merits.
7. Permitting an additional 20 days to file dispositive motions will not unduly delay this proceeding or prejudice any party.
8. Defendants have authorized Plaintiffs to represent that Defendants have no

objection to this motion.

WHEREFORE, for the foregoing reasons, this motion should be granted and the deadline for the filing of dispositive motions should be changed from September 23, 2011 to October 13, 2011, responsive briefs from October 21 to November 10, and replies from November 10 to November 25, 2011.

Dated: September 13, 2011

Respectfully submitted,

Kurt C. Kobelt, WBN 1019317
Attorney for WEAC
Wisconsin Education Ass'n Council
PO Box 8003
Madison, WI 53708-8003
Telephone (608) 298-2358
Fax (608) 276-8203
kobeltk@weac.org

s/Timothy E. Hawks
Timothy E. Hawks, WBN 1005646
Attorney for AFT-Wisconsin
Hawks Quindel, S.C.
PO Box 442
Milwaukee, WI 53201-0442
Telephone (414) 271-8650
Fax (414) 271-8442
thawks@hq-law.com

Alice O'Brien, General Counsel
Jason Walta, Staff Counsel
National Education Association
1201 16th Street NW
Washington DC 20036
Telephone (202) 822-7035
aobrien@nea.org

Peggy A. Lautenschlager, WBN 1002188
Attorney for AFSCME Council 24
Bauer & Bach, LLC
123 East Main Street, Suite 300
Madison, WI 53703-3360
Telephone (608) 260-0292
Fax (608) 260-0002
lautenschlager@bauer-bach.com

Aaron N. Halstead, WBN 1001507
Attorney for AFSCME Council 40
Hawks Quindel, S.C.
PO Box 2155
Madison, WI 53701-2155
Telephone (608) 257-0040
Fax (608) 256-0236
ahalstead@hq-law.com

Mark A. Sweet, WBN 1024320
Attorney for AFSCME Council 48
Sweet and Associates, LLC
2510 East Capitol Drive
Milwaukee, WI 53211
Telephone (414) 332-2255
Fax (414) 332-2275
msweet@unionyeslaw.com

Barbara Zack Quindel, WBN 1009431
Attorney for SEIU Healthcare WI
Hawks Quindel, S.C.
P O Box 442
Milwaukee, WI 53201-0442
Telephone (414) 271-8650
Fax (414) 271-8442
bquindel@hq-law.com

Jeremiah A. Collins
John M. West
Leon Dayan
Attorneys for all Plaintiffs
Bredhoff & Kaiser, P.L.L.C.
805 Fifteenth Street, NW
Washington, DC 20005-2207
Telephone (202) 842-2600
Fax (202) 842-1888
ldayan@bredhoff.com

Marianne Goldstein Robbins, WBN 1015168
Attorney for Wisconsin State AFL-CIO
Previant, Goldberg, Uelman, Gratz,
Miller & Brueggeman, S.C.
PO Box 12993
Milwaukee, WI 53212-0993
Telephone (414) 223-0433
Fax (414) 271-6308
mgr@previant.com

John C. Dempsey, General Counsel
AFSCME
1101 17th Street, NW
Washington, DC 20036
Telephone (202) 775-5900
Fax (202) 452-0556
jdempsey@afscme.org